REMARKS

The pending claims 27-35 have been cancelled without prejudice or disclaimer, and applicant expressly reserves the right to file one or more continuing applications directed thereto. Claims 8 and 20 are amended to depend from claim 1.

In the Office Action, the Examiner required restriction of the pending claims to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-7, drawn to a solution comprising about 0.01 to 0.05 mg/mL of tenecteplase in sterile water for injection or bacteriostatic water for injection and normal saline, classified in class 424, subclass 183.

II. Claims 8-19, drawn to a method for treating a pathological collection of a fibrin-rich fluid comprising exposing the fluid to an effective amount of a solution comprising about 0.01 to 0.05 mg/mL of tenecteplase in sterile water for injection or bacteriostatic water for injection and normal saline, classified in class 424, subclass 212.

III. Claims 20-26, drawn to a method for treating peripheral thrombosis in a mammal comprising delivering to the mammal via a catheter an effective amount of a solution comprising about 0.01 to 0.05 mg/mL of tenecteplase in sterile water for injection or bacteriostatic water for injection and normal saline, classified in class 424, subclass 214.

IV. Claims 27-32, drawn to a kit comprising a container comprising lyophilized tenecteplase, a container comprising sterile water for injection or bacteriostatic water for injection, a container comprising normal saline, and instructions for reconstituting the tenecteplase with the water for injection and diluting the reconstituted tenecteplase with the normal saline to a final concentration of about 0.01 to 0.05 mg/mL of tenecteplase, classified in class 424, subclass 212.

V. Claims 33-35, drawn to a kit comprising a container comprising a solution comprising about 0.01 to 0.05 mg/mL of tenecteplase in sterile water for injection or bacteriostatic water for injection and normal saline, and instructions for exposing the solution in an effective amount to a pathological collection of a fibrin rich fluid, classified in class 424, subclass 214.

Applicant elects Group I, claims 1-7, without traverse. The claims directed to the inventions of Groups IV and V have been cancelled.

The Examiner indicates that if Group I is elected, a further election of species must be made: the applicant must elect the liquid media for the tenecteplase of claim 1 from either sterile water for injection or bacteriostatic water for injection and normal saline. Applicant hereby elects the species "sterile water for injection" for the liquid media for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In addition, a listing of all claims readable on the identified species are claims 1-7 (elected invention) and 8-26 (process claims dependent on elected invention).

Upon allowance of any generic claim, applicant is entitled to consideration of claims to additional species that depend from or otherwise require all the limitations of the allowable generic claim. In addition, since applicant has elected claims directed to the product, if the product claims are found allowable, applicants note that withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined. Independent method claims 8 and 20 are amended to be dependent on claim 1, so that applicant expects them to be rejoined if the product claims are found allowable.

This document is timely filed within the one-month period for response. Applicant believes that no fees are due with this submission. If fees are due, applicant hereby petitions the Commissioner to authorize any extensions of time and/or to deduct fees or add credits due to Deposit Account 07-0630 as necessary to maintain the pendency of this application.

The Examiner is invited to contact the undersigned at the number indicated below if any issues may be resolved by telephone.

Respectfully submitted,
GENENTECH, INC.

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By: /Janet E. Hasak/
Janet E. Hasak
Reg. No. 28,616
Telephone: (650) 225-1896